This is a petition for issue of a writ of prohibition to the respondents not to call for fresh tenders for supply of medicines to the government hospitals and for issue of a direction to the respondents to

accept the tender already submitted.

Since no one has appeared for the petitioner, it is reasonable to presume that the petitioner is not interested in prosecuting its cause.

Learned Government Pleader for Medical and Health has placed before me a communication dated 20th June, 2006 sent by the Commissioner of Family Welfare, Government of Andhra Pradesh. The same is taken on record.

Since the petitioner is not represented by anybody, the writ petition is dismissed in default.

I would have saddled the petitioner with exemplary costs to the tune of Rs.1,00,000/- because by virtue of the interim order obtained by it, supply of medicines to the government hospitals must have been adversely affected and this would have caused incalculable harm to the people who go to such hospitals for treatment. However, as the counsel for the petitioner has thought it proper not to appear and on that account I have been deprived of the opportunity to adjudicate the petitioner's grievance on merits, I refrain from imposing costs.

Before concluding, I consider it imperative to take notice of an extremely disquietening feature namely, the failure of law officers of the government to invoke Article 226(3) of the Constitution which makes it obligatory for the Court to decide, within 14 days, any application filed by the respondents for vacating the interim order. I wonder why this salutary provision is not being invoked by the State Government for brining it to the notice of the Court that interim orders passed at the behest of the petitioners like the one before me cause irreparable injury to the public at large. Needless to say that no component of the system of administration of justice including the High Court would like to be a party to such a situation and pass orders which have far reaching adverse impact on the public at large.

I hope and trust that the learned Advocate General of the State

would apprise his colleagues that there exists Article 226(3) in the books of the Constitution and that provision deserves to be invoked in appropriate cases so that applications made for vacating interim orders are taken up for hearing or placed before the Court within 14 days of filing of such applications.

G.S.SINGHVI, CJ

21st June, 2006

ARS/ks

Note:
The Court Officer is directed to give an attested copy of this order to the learned Government Pleader for Revenue for being communicated to District Collector, Warangal.